

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10504-RWZ

UNITED STATES OF AMERICA

v.

JAYNE E. FEHER

MEMORANDUM OF DECISION

July 26, 2004

ZOBEL, D.J.

Plaintiff United States moves for a default judgment. However, it is unclear that defendant was properly served under Rule 4(e), which requires delivery of “a copy of the summons and of the complaint to the individual personally or by leaving copies thereof at the individual’s dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. . . .” Fed. R. Civ. P. 4(e)(2). Although the return of service by the U.S. Marshal states that personal service was made, it also contains the cryptic remark “no response.” Because there exists significant ambiguity as to whether proper service was in fact effected, plaintiff’s motion is denied.

DATE

/s/ Rya W. Zobel

RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE